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Attorneys for Plaintiff
BARBARA L. MCNALLY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARBARA L. MCNALLY,

Plaintiff,

v.

ETHAN ALLEN RETAIL, INC., a
Corporation, ETHAN ALLEN GLOBAL,
INC., a Corporation, and DOES 1-20,
inclusive,

Defendant.

Case No. CV 121677 JSW

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES

Action Filed: February 3, 2012
Trial Date: None

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Barbara L. McNally (“Plaintiff”) and her attorney of record Talamantes Villegas Carrera, LLP, by Jennifer A. Reisch, and Defendants Ethan Allen Retail, Inc. and Ethan Allen Global, Inc. (“Defendants”), by its attorneys of record Ogletree, Deakins, Nash, Smoak & Stewart, P.C., by Becki D. Graham, that the following Stipulation may be entered as an Order by the Court to give effect to the stipulations set forth below:

1. **WHEREAS**, Defendants removed this action to the Northern District of California on April 4, 2012;

2. **WHEREAS**, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines, setting the Case Management Conference for July 20, 2012 at 1:30 p.m. in Courtroom 11;

3. **WHEREAS**, counsel for the parties have met and conferred regarding early settlement and ADR process selection pursuant to FRCP 26(f) and ADR Local Rule 3-5.

4. **WHEREAS**, the parties have filed their ADR Certifications pursuant to Civil Local Rule 16-8(b) and ADR Local Rule 3-5(b).

5. **WHEREAS**, the parties have agreed to participate in an early settlement conference before a magistrate judge and have filed concurrently with this stipulation a Notice of Need for ADR Phone Conference for the purpose of scheduling an early settlement conference pursuant to Civil Local Rule 16-8 and ADR Local Rule 3-5(b) and (c);

6. **WHEREAS**, the parties have agreed to participate in an early settlement conference in the hopes of resolving the matter without the need for further litigation, good cause exists to continue the initial case management conference to September 7, 2012, or a date thereafter which is convenient for the Court; and

7. **WHEREAS**, the parties agree that, due to the parties’ efforts to explore settlement of this case, good cause exists to continue certain deadlines triggered by the date of the initial case management conference, as follows:

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1 a. If the case management conference is rescheduled to September 7, 2012, the
2 following case management schedule shall apply:

3 i. Last day to meet and confer regarding discovery plan shall be moved
4 to August 24, 2012 (pursuant to FRCP 26(f) and ADR Local Rule 3-5).

5 ii. Last day to file Rule 26(f) Report and file Case Management
6 Statement per the Court's Standing Order re Contents of Joint Case Management Statement shall
7 be moved to August 31, 2012.

8 ii. Last day to complete initial disclosures shall be two weeks prior to
9 the date set for the early settlement conference.

10 b. If the case management conference is rescheduled to a different date which
11 is convenient for the Court, all related deadlines will be continued in accordance with the Federal
12 Rules of Civil Procedure and Local Rules for the U.S. District Court Northern District of
13 California.

14 **NOW, THEREFORE**, the Parties, through their respective counsel of record **AGREE**
15 **AND HEREBY STIPULATE** for an Order continuing the initial case management conference
16 from July 20, 2012, to September 7, 2012, or any date thereafter convenient for the Court.

17
18 DATED: June 29, 2012

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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21 By: /s/ Becki Graham
22 Betsy Johnson
23 Becki D. Graham
24 Attorneys for Defendants
25 ETHAN ALLEN RETAIL, INC. and
26 ETHAN ALLEN GLOBAL, INC.
27
28

1 DATED: June 29, 2012

TALAMANTES VILLEGAS CARRERA, LLP

4 By: /s/ Jennifer A. Reisch

Virginia R. Villegas

Jennifer A. Reisch

Attorneys for Plaintiff

BARBARA L. MCNALLY

7 **ATTESTATION PER GENERAL ORDER NO. 45 SECTION X.B.**

8 I hereby attest that I have obtained concurrence in the filing of this document from each of
9 the signatories listed above.

10 DATED: June 29, 2012

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

13 By: /s/ Becki Graham

Betsy Johnson

Becki D. Graham

Attorneys for Defendants

ETHAN ALLEN RETAIL, INC. and

ETHAN ALLEN GLOBAL, INC.

17 **ORDER**

18 **GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED** that the
19 initial case management conference is continued from July 20, 2012, to September 7, 2012, at 1:30
20 p.m.. All deadlines triggered by the date of the case management conference shall be continued as
21 set forth in the parties' stipulation, in accordance with the Federal Rules of Civil Procedure and
22 Local Rules for the U.S. District Court Northern District of California.

23 The parties shall file a joint case management conference statement on or before August 31,
24 2012.

25 **IT IS SO ORDERED.**

26 DATED: July 5, 2012

By: 

Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE

28 12671311.1 (OGLETREE)